



# **IDEM Update**

## **Sustainability and EHS Symposium**

**March 23, 2016**

**Carol S. Comer, Commissioner**

**Indiana Department of Environmental Management**

# Indiana: The State that Works!

In the past three years:

- Indiana has added 139,000 new jobs
- Indiana has reduced the unemployment rate from over 8% to just 4.4%
- Indiana consistently ranks in the top 10 best states in which to do business



## IDEM: Protecting Hoosiers and Our Environment While Becoming the Most Customer-Friendly Environmental Agency

IDEM's mission is to implement federal and state regulations to protect human health and the environment while allowing the environmentally sound operations of industrial, agricultural, commercial and government activities vital to a prosperous economy.

# How Does IDEM Protect Hoosiers and Our Environment?

- Developing regulations and issuing permits to restrict discharges to environmentally safe levels.
- Inspecting and monitoring permitted facilities to ensure compliance with the permits.
- Using compliance assistance and/or enforcement when people exceed their permit levels or violate regulations.
- Educating people on their environmental responsibilities.
- Cleaning up contaminated sites to eliminate public exposure to toxics and returning properties to productive use.

# Performance Metrics January 2016

Result

Targets

Comments

## Quality of Hoosiers' Environment

% of Hoosiers that live in counties that meet **air quality standards**

91.00

100%

80%

Ozone in Clark, Floyd, Greene and LaPorte Counties; Muncie Lead; Sulfur Dioxide in parts of Daviess, Marion, Morgan, Pike and Vigo Counties.

% of **CSO Communities** with approved programs to prevent the release of untreated sewage

98.17%

100%

90%

98+9 (107) out of 99+10 (109).  
Not Gary and Hammond.

% of Hoosiers that receive water from facilities in full compliance with **safe drinking water standards**

98.12%

99%

95%

Due to the implementation of a new rule (Stage2 Disinfectant/Disinfection ByProducts Rule) on small systems, several purchase water systems and small surface water systems have exceeded the MCL for TTHM and HAA5.

## Permitting Efficiency

Total calendar days accumulated in issuing environmental permits, as determined by state statute\*

Land

25,361

30,048

33,583

35,350 statutory

Air

21,018

40,265

45,002

47,370 statutory

Water

32,483

59,721

66,747

70,260 statutory

\* Places emphasis on back logged permits

## Compliance

Total percentage of compliance observations from regulated customers within acceptable compliance standards\*

Inspections

96.96%

97%

75%

Self reporting

95.85%

99%

95%

Continuous monitoring (COM)

99.93%

99.9%

99%

\* Tracks observations and not just inspections

# Performance Metrics June 2005

## Quality of Hoosiers' Environment

% of Hoosiers in counties meeting air quality standards	61%	100%	80%	12 counties and 2,408,571 of 6,195,643 residents above standard
% of CSO Communities with approved programs to prevent the release of untreated sewage	4%	100%	20%	75% by 2007 is goal

## Permitting Efficiency Total calendar days accumulated in issuing environmental permits, as determined by state statute\*

Land	100,013	66,565	86,864
Air	511,000	207,000	385,000
Water	301,000	48,000	200,000

\* Places emphasis on back logged permits

## Compliance Total percentage of compliance observations from regulated customers within acceptable compliance standards\*

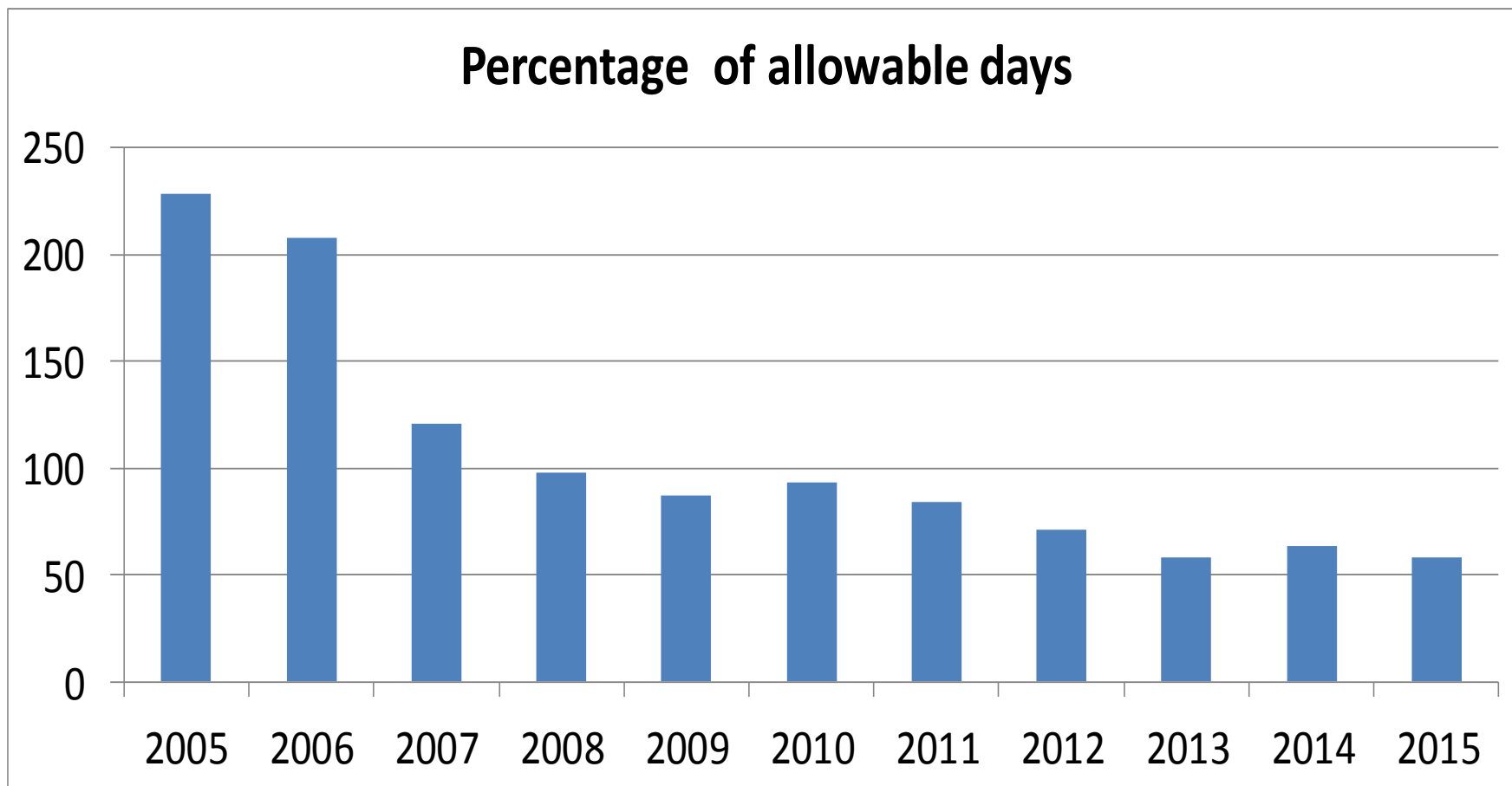
Inspections	95.46%	97%	75%
Self reporting	97.11%	99%	95%
Continuous monitoring (COM)	99.19%	99.90%	98.95%

\* Tracks observations and not just inspections

## Organizational Transformation Budgetary agency dollars spent on **key** outside contracts for core agency functions.

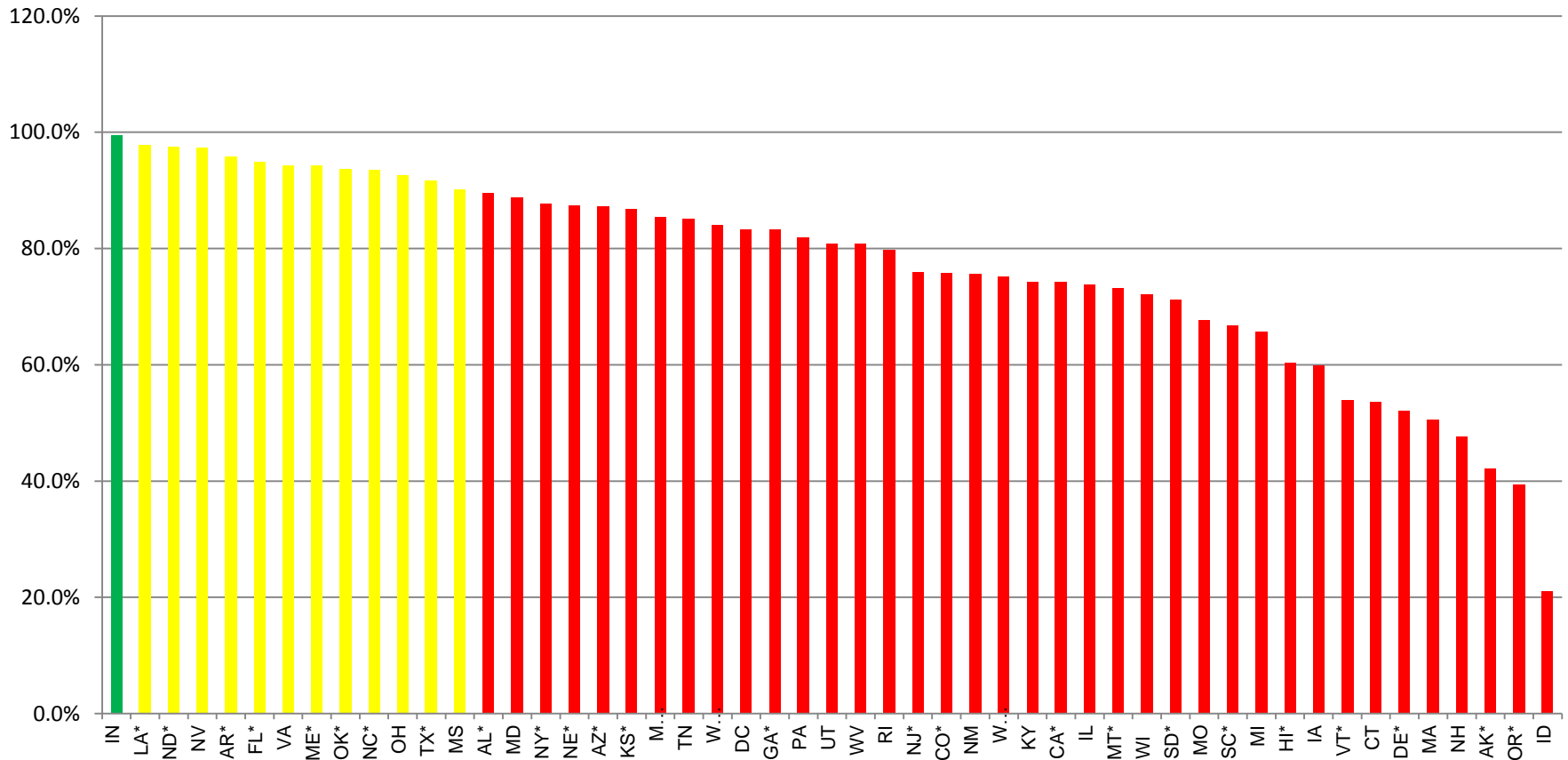
Dollars spent on outside services per year	\$6,179,367	\$0	\$3,447,017
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## Permits--Percent of Statutory Days



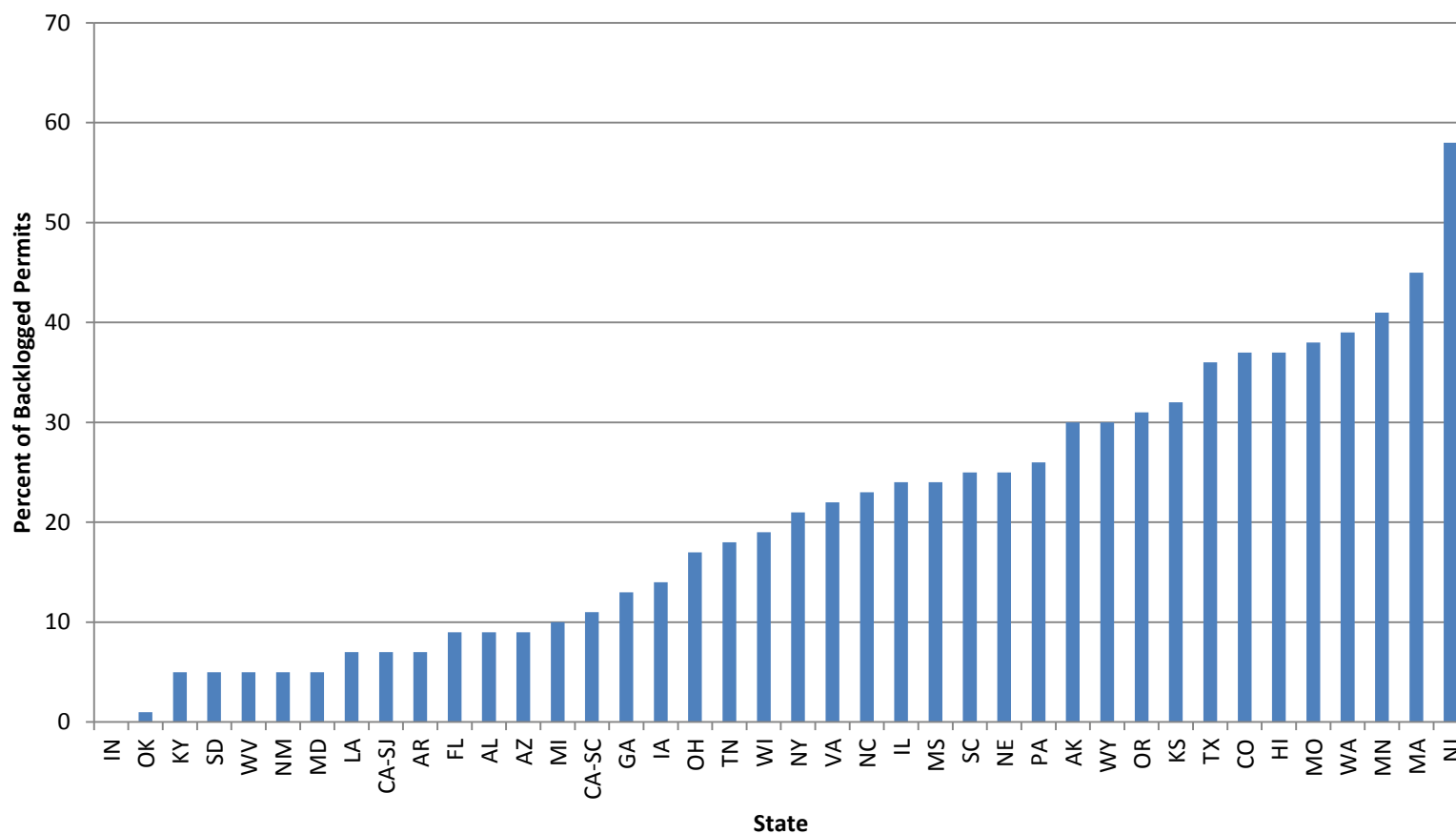
# Indiana is Best in NPDES Permitting

## Total % Current Wastewater Permits





## Title V Renewal Backlog Rankings for Permitting Authorities with Greater than 100 Title V Sources



## **IDEM Inspects Facilities Regularly**

- Full compliance evaluations of Part 70 sources once every two (2) years;
- Full compliance evaluations of all Federally Enforceable State Operating Permits once every five (5) years;
- Inspect all Treatment, Storage and Disposal Facilities every two (2) years;
- Compliance inspections at all Confined Animal Feeding Operations every five (5) years;
- Inspect each underground storage tank once every three (3) years;
- Inspect each major and minor NPDES Permitted facility every two (2) years; and
- Inspect each general permitted facility every four (4) years.

## ***WATCHDOG REPORT:***

***New York and other states have  
fallen far behind schedule in scrutiny  
of Clean Water Act facilities***

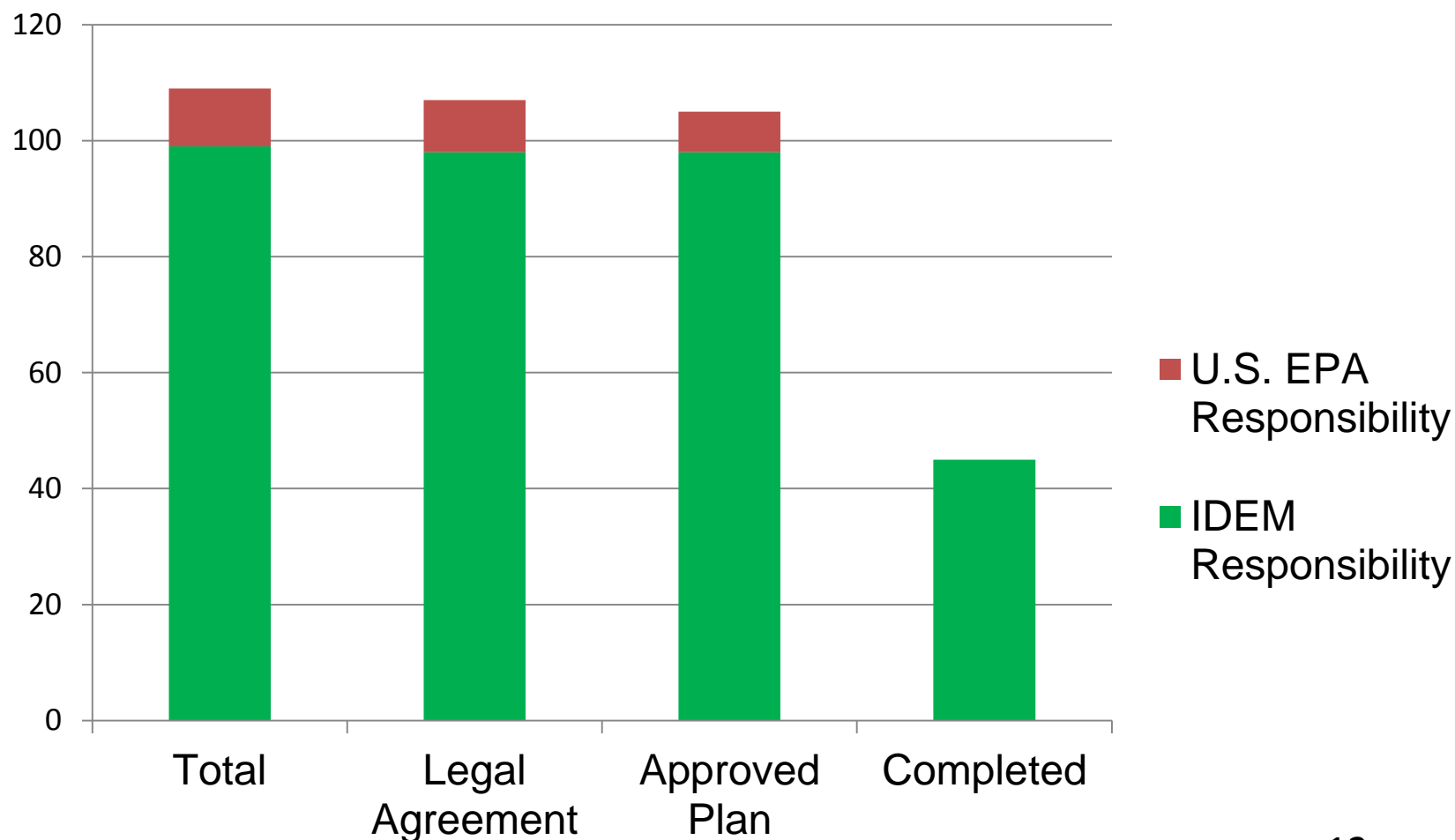
“In Indiana, where pollution review rules apparently are observed, **91 percent** of all facilities have been inspected in the last five years. In West Virginia, only 25 percent have been inspected.”



Press and Sun-Bulletin, July 3, 2014.

# Water Quality

## Indiana Combined Sewer Overflow Status



# Indiana's Air Quality

At the end of 2009, all areas of the State of Indiana met every National Ambient Air Quality Standard in effect for the first time since the NAAQS were established in the 1970s.

## Legend



Ozone Monitor With  
Design Value Less Than  
or Equal to 0.075 ppm



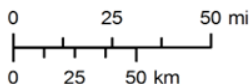
Ozone Monitor With  
Design Value Greater  
Than 0.075 ppm



County With Design  
Value Less Than or  
Equal to 0.075 ppm or  
No Data



County With Design  
Value Greater Than  
0.075 ppm



## Notes:

- Posted Data Are in Units of Parts per Million (ppm)
- Posted Data Represent Ozone 8-Hour Average Design Values, 2012 - 2014

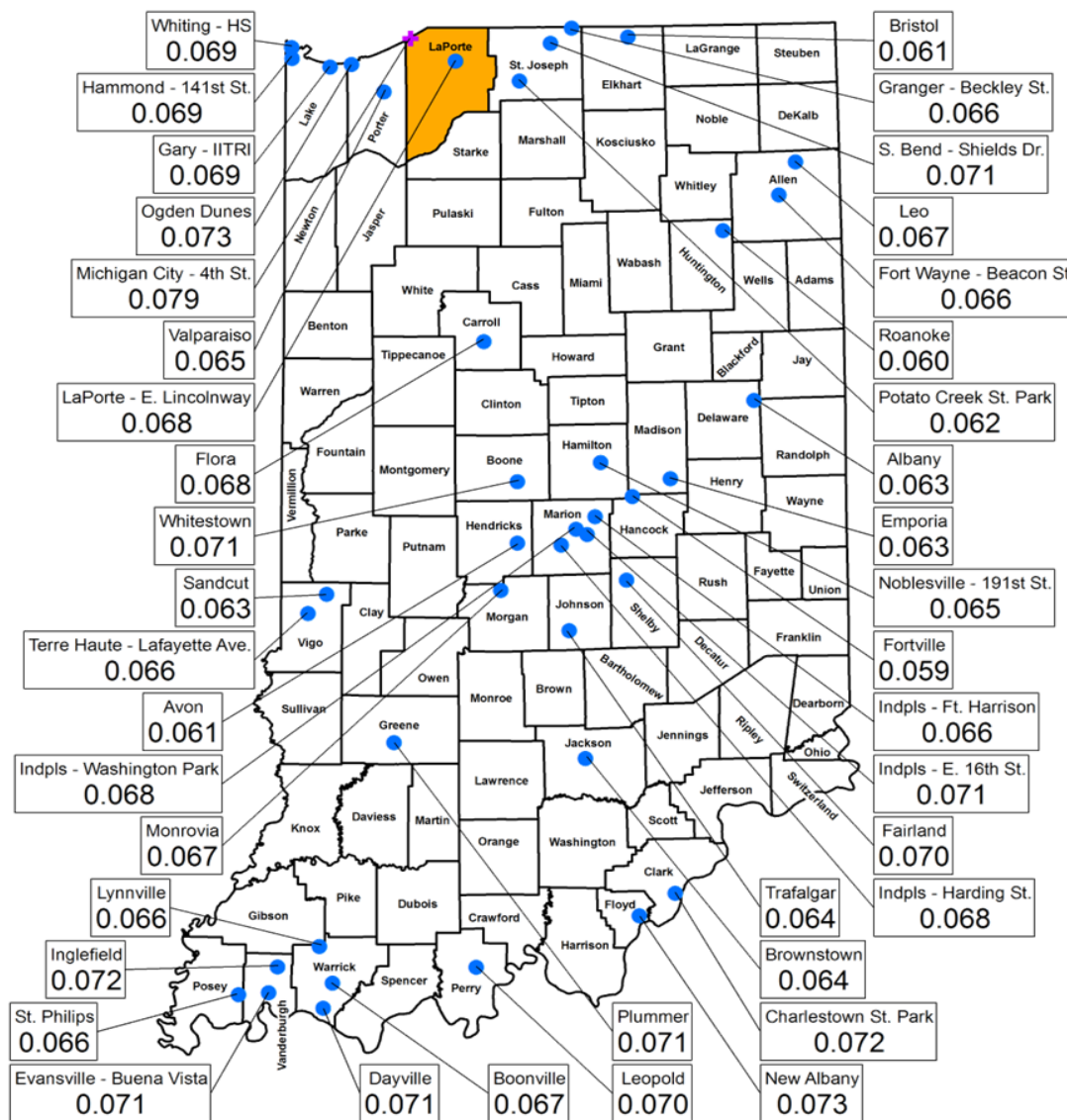
Date: 12/03/2014

Mapped By: C. Mitchell, OAQ

Sources: Office of Air Quality

Map Projection: UTM Zone 16 N

Map Datum: NAD83



**Ozone 8-Hour  
Design Values  
(3-Year Average  
4<sup>th</sup> High Daily  
Maximum)**

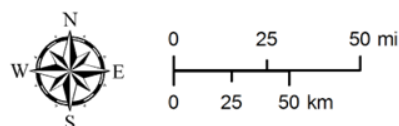
**Based on  
2012 - 2014  
Monitoring Data**

*Standard set at  
0.075 ppm*



## Legend

- Lead Monitor With a Design Value Less Than or Equal to  $0.15 \mu\text{g}/\text{m}^3$
- + Lead Monitor With a Design Value Greater Than  $0.15 \mu\text{g}/\text{m}^3$
- Attainment/Unclassifiable Counties
- County With a Design Value Greater Than  $0.15 \mu\text{g}/\text{m}^3$
- Nonattainment Area



## Notes:

- Posted Data Are in Units of Micrograms Per Cubic Meter ( $\mu\text{g}/\text{m}^3$ )
- Posted Data Represent 3-Month Rolling Average Design Values, 2012 - 2014

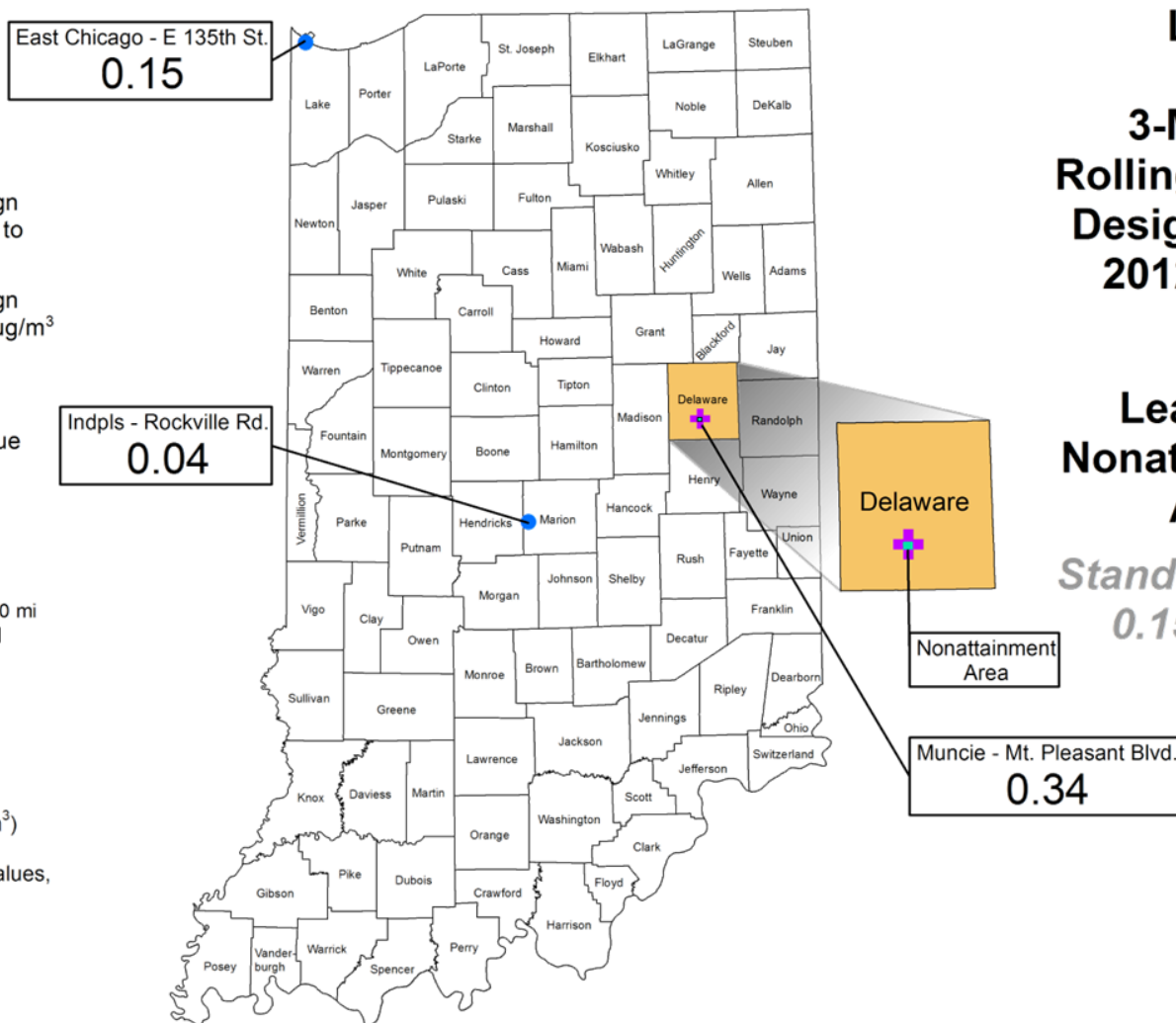
Date: 03/19/2015

Mapped By: C. Mitchell, OAQ

Source: IDEM, Air Monitoring

Map Projection: UTM Zone 16 N

Map Datum: NAD83



**Lead (Pb)  
3-Month  
Rolling Average  
Design Values  
2012 - 2014**

**and  
Lead (Pb)  
Nonattainment  
Area**

*Standard set at  
 $0.15 \mu\text{g}/\text{m}^3$*



## Legend

- SO<sub>2</sub> Monitor With Design Value Less Than or Equal to 75 ppb
- + SO<sub>2</sub> Monitor With Design Value Greater Than 75 ppb

Nonattainment Area

Attainment/Unclassifiable



0 25 50 mi  
0 25 50 km

### Notes:

- Posted Data Represent 1-Hour Average Design Values, 2012 - 2014
- Posted Data are in Units of Parts Per Billion (ppb)

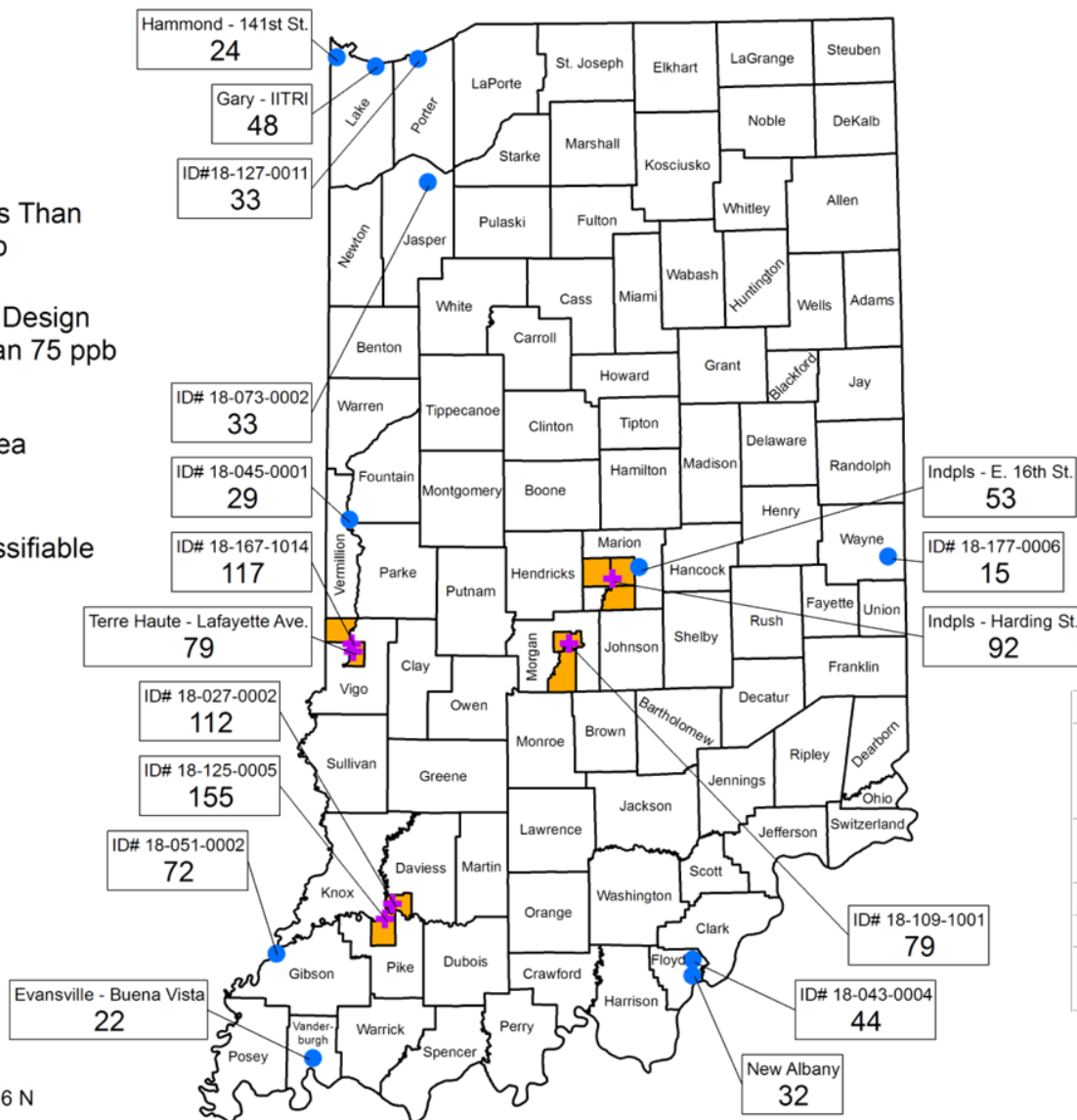
Date: 03/11/2015

Mapped by: C. Mitchell, OAQ

Sources: Office of Air Quality

Map Projection: UTM Zone 16 N

Map Datum: NAD83



## SO<sub>2</sub> 1-Hour Design Values 2012 - 2014

## and SO<sub>2</sub> Nonattainment Areas

*Standard Set at 75 ppb*

County	Nonattainment Area
Marion	Center Township
	Perry Township
	Wayne Township
Morgan	Clay Township
	Washington Township
Daviess	Veale Township
Pike	Washington Township
Vigo	Fayette Township
	Harrison Township



## *Applicability of RCRA Corrective Action Laws to Current Owners of Hazardous Waste Disposal Sites*

IDEM has determined that its authority to order corrective actions under RCRA, I.C. § 13-22-13 *et al.*, and related federal and state rules and regulations, **does not** extend to subsequent owners of hazardous waste facilities if the subsequent owner did not operate such a facility on the site, did not seek or receive a permit to do so, and was not required to seek or receive such a permit.

[www.in.gov/idem/files/npd-waste-0067.pdf](http://www.in.gov/idem/files/npd-waste-0067.pdf)

# Clean Power Plan

“The application for a stay submitted to The Chief Justice and by him referred to the Court is granted. The Environmental Protection Agency’s ‘Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units,’ 80 Fed. Reg. 64,662 (October 23, 2015), is stayed pending disposition of the applicants’ petitions for review in the United States Court of Appeals for the District of Columbia Circuit and disposition of the applicants’ petition for a writ of certiorari, if such writ is sought.”

*Murray Energy Corp. et al. v. EPA et al.*, U.S. Supreme Court, February 9, 2016

# New Ozone Standard

“Based on its review of the air quality criteria for ozone (O<sub>3</sub>) and related photochemical oxidants and national ambient air quality standards (NAAQS) for O<sub>3</sub>, the Environmental Protection Agency (EPA) is revising the primary and secondary NAAQS for O<sub>3</sub> to provide requisite protection of public health and welfare, respectively. The EPA is revising the levels of both standards to 0.070 parts per million (ppm), and retaining their indicators (O<sub>3</sub>), forms (fourth-highest daily maximum, averaged across three consecutive years) and averaging times (eight hours).”

<http://www3.epa.gov/ozonepollution/pdfs/20151001fr.pdf>

(October 1, 2015)

# Waters of the United States

“Accordingly, on due review of the relevant considerations in light of the briefs filed by petitioners, respondents and intervenors, and in the exercise of our discretion, we GRANT petitioners’ motion for stay. The Clean Water Rule is hereby STAYED, nationwide, pending further order of the court.”

*In re: Environmental Protection Agency and Department of Defense Final Rule; “Clean Water Rule: Definition of the Waters of the United States,” Sixth Circuit District Court, October 9, 2015*

# Coal Combustion Residuals

- The federal rules are self-implementing with enforcement through citizen suits
- EPA has indicated states may extend compliance schedules if they amend their Solid Waste Management Plans
- Emergency Rule passed to provide IDEM authority to regulate surface impoundments containing CCR
- State Solid Waste Plan is being amended to address CCR and criteria for extending compliance deadlines
- Will be updating solid waste disposal rules to conform with EPA disposal requirements and incorporate surface impoundment regulations

# Questions?

**Carol S. Comer**  
Commissioner

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